

REMARKS

The Office Action dated June 5, 2002 has been carefully reviewed.

Claims 1-20 are pending; claims 1, 4-9, 12-17 and 20 are rejected; and claims 2, 3, 10, 11, 18 and 19 are objected to in this patent application. Claims 21-26 have been added hereby. Reconsideration of this application, as amended, is respectfully requested.

Allowable Claims

Claims 2, 3, 10, 11, 18, and 19 were objected to as being dependent upon a rejected based claim, but were indicated to be allowable if rewritten in independent form and to include all of the limitations of the base claim and any intervening claims. However, Applicant believes that the base claims on which these claims respectively depend are themselves allowable. As a result, such rewriting has not been done.

35 U.S.C. § 103 Rejection

The Rejection:

Claims 1, 4-9, 12-17 and 20 appear to have been rejected under 35 U.S.C. § 103 as being unpatentable over Lutz (U.S. Patent No. 6,155,486) in view of Sato (U.S. Patent No. 5,949,854).

Use of Lutz in the 35 U.S.C. § 103 Rejections is Improper:

35 U.S.C. § 103(c) reads:

Subject matter developed by another person, which qualifies as prior art only under one or more of the subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The above-identified § 103 rejection uses Lutz, i.e. U.S. Patent No. 6,155,486, as a prior art reference. However, Lutz cannot be applied against the pending patent application under 35 U.S.C. § 103 because the pending patent application and Lutz both are (and have been) owned by NCR Corporation. (See Attachments I and II). As can be seen from 35 U.S.C. § 103(c), this is improper. Accordingly, withdrawal of this rejection is respectfully requested.

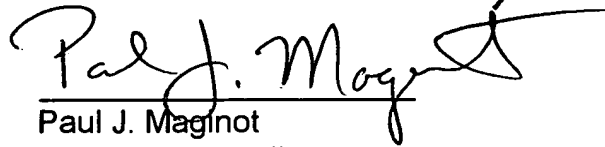
New Added Claims 21-26

Claims 21-26 have been added. Each of these claims recites limitations that are novel and nonobvious over the cited art.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Maginot", with a long, sweeping horizontal line extending to the right.

Paul J. Maginot
Attorney for Applicant
Registration No. 34,984

August 29, 2002

Maginot, Moore & Bowman
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5130
Phone: (317) 638-2922
Fax: (317) 638-2139

Attachments I and II



ATTACHMENT I

ASSIGNMENT OF UNITED STATES PATENT APPLICATION

WHEREAS, I, Joanne S. Walter of Alpharetta, Georgia; have invented certain new and useful improvements in a **APPARATUS AND METHOD FOR OPERATING A SELF-SERVICE CHECKOUT TERMINAL HAVING A VOICE GENERATING DEVICE ASSOCIATED THEREWITH**, Docket No. 8998, for which I have executed an application for Letters Patent of the United States on

Jan. 4, 2000; and

WHEREAS, NCR Corporation, a corporation of the State of Maryland, having its principal place of business in Dayton, Ohio, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefor in the United States and any and all foreign countries;

NOW, THEREFORE, be it known that in consideration of the sum of One Dollar (\$1.00) and of other valuable considerations, the receipt of which is hereby acknowledged, I do hereby sell, assign and transfer unto said NCR Corporation, its successors and assigns, the entire right, title and interest in and to the invention and improvements in any form or embodiment thereof, disclosed and claimed in said application, or which are disclosed and may be claimed; also the entire right, title and interest in and to any Letters Patent to be granted in the United States and its territorial possessions and in any and all foreign countries upon said invention in any form or upon any such improvements thereon, and in and to any and all divisions, reissues, continuations and extensions thereof; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue any Letters Patent on said application to the said NCR Corporation, of Maryland, its successors and assigns.

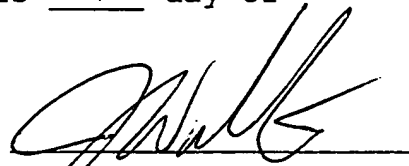
RECEIVED

SEP 10 2002

GROUP 3600

Further, I agree that I will communicate to said NCR Corporation, or its representatives, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitution, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to NCR Corporation, make all rightful oaths and generally to do everything possible to aid said NCR Corporation, its successors and assigns, to obtain and enforce protection for said invention in the United States and in any and all foreign countries.


Signed at Duluth, GA, this 4 day of January, 2000.


Joanne S. Walter

STATE OF GEORGIA)
) ss:
COUNTY OF WINNETT)

On this 4th day of January, 2000, before me personally appeared **Joanne S. Walter**, to me personally known and known to be the person who signed the foregoing assignment, and acknowledged the signing thereof as his free act and deed.

(SEAL)


Notary Public

Notary Public, Gwinnett County, Georgia
My Commission Expires November 14, 2002